

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

The Examiner objected to the Abstract. A new abstract has been provided, making the objection moot.

Claims 1-15 and 17-26 remain in this application. Claim 16 has been previously canceled. The Examiner has indicated that claims 1-15, 18-23, and 25-26 are in a condition for allowance when the objection to claim 1 is corrected.

The examiner objected to claims 1, 17, and 24 for not having a semi colon. Applicant believes that the Examiner intended to request a colon, not a semi colon, as latter would not be appropriate. The claims have been amended to add a colon, making the objection moot.

Claims 17 and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by Jenkins *et al.* (U.S. 5,919,143). For the following reasons, the rejection is respectfully traversed.

Claim 17 has been amended to read an apparatus:

for the determination of an acoustic impedance comprising: a probe having an *housing*, a microphone, a speaker, *an adapter arranged in an unlockable fashion with said housing*, and an acoustic resistor

(emphasis added). The amendment explicitly recites a “probe having a housing” and an “adapter arranged in an unlockable fashion with said housing”. Jenkins fails to teach any adapter arranged in this manner, and thus claim 17 is patentable over the reference.

Regarding claim 24, applicant notes that the claim specifically recites an apparatus “providing an output for determining impedances” in various fields. Although the Examiner cites Jenkins for such a teaching, there is no suggestion that the Jenkins device can be used to measure impedances. Instead, Jenkins teaches that its device is merely used to detect an “acoustic deflectance” to generate “acoustic deflectance curves” (see, e.g., col. 7 line 28 to col. 8 line 11). There is no teaching of any determination of acoustic impedance. One skilled in the art

would understand that merely measuring an acoustic reflectance is not the same as determining an acoustic impedance, and thus claim 24 is patentable over the reference. New claim 27 is patentable over the reference for reasons similar to those discussed for claim 24.

Accordingly, all claims are patentable over the reference. In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35624.

Respectfully submitted,
PEARNE & GORDON, LLP

June 22, 2007

By: / Robert F. Bodi /
Robert F. Bodi, Reg. No. 48,540

1801 East Ninth Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700